



**MCDOWELL SONORAN PRESERVE COMMISSION
SCOTTSDALE STADIUM - TEAM STORE
7408 E. OSBORN ROAD
SCOTTSDALE, ARIZONA, 85251
THURSDAY, OCTOBER 1, 2009**

MEETING MINUTES

PRESENT: Art DeCabooter, Chair
Gerald Miller, Vice-Chair
BJ Heggli, Commissioner
Rand Hubbell, Commissioner
Deke Joralmon, Commissioner
Howard Myers, Commissioner
Tom Silverman, Commissioner
Susan Wheeler, Commissioner
Linda Whitehead, Commissioner

ABSENT: Carla, Commissioner
Melinda Gulick, Commissioner

STAFF: Kroy Ekblaw
Bill Murphy
Claire Miller
Scott Hamilton
Robbin Schweitzer

GUESTS: Con Englehorn
Joni Millavec
Ruthie Carll
Erik Filsinger
David Bilay
Sam Teufel
Glen Teufel
Kady Exelan
Fred Klein

1. **Call to Order**

Chair DeCabooter called the meeting to order at 5:11 p.m.

2. **Roll Call**

A formal roll call confirmed members present as listed above, noting the presence of a quorum.

3. **Moment of Silence**

The Commission observed a moment of silence.

4. **Review and Approval of Minutes**

a) Regular Meeting of September 3, 2009

Vice Chair Miller requested inclusion of his unanswered inquiry regarding whether the Commission had been released from the voter-approved RSB, because Staff's plan points in this direction. He corrected the spelling of Joni Millavec's name, and added a procedural description. He noted that Commissioner Carla asked whether the City was considering a contractual arrangement with Mr. Cafarella after his retirement, to which Mr. Little responded in the negative. Commissioner Joralmon deleted the word unanimously from a motion, and clarified the spelling of Fucello Architects. Commissioner Heggli inserted a missing word.

COMMISSIONER JORALMON MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER , 2009 REGULAR MEETING, AS AMENDED. COMMISSIONER HEGGLI SECONDED. THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF NINE (9) TO ZERO 0).

5. **Public Comment**

There were no public comments.

6. **Election of Officers**

Mr. Ekblaw said that according to the Commission bylaws, if a sitting Chair does not serve their full term, the Vice Chair assumes that role for the remainder of the term. He said he would confirm the official date in January that marks the end of a term. Chair DeCabooter noted his term concludes on October 17. Starting on that date, Jerry Miller would serve as Chair until the next election. He opened the floor to nominations to fill the vacated Vice Chair position.

Commissioner Whitehead nominated Howard Myers. The nomination was seconded by Commissioner Joralmon. Commissioner Heggli nominated Linda Whitehead, and Commissioner Hubbell seconded the nomination. With a show of hands, six to two, the McDowell Sonoran Preserve Commission selected Howard Myers as Vice Chair.

Commissioner Heggli inquired whether Howard Myers would serve simultaneously as both Vice Chair of the MSPC and Chair of the Planning Committee. Commissioner Joralmon noted that Erik Filsinger successfully did so.

7. **Planning Committee Update and Actions**

VICE CHAIR MILLER MOVED TO RATIFY THE PLANNING COMMITTEE' NOMINATION TO ADD JONI MILLAVEC AS A MEMBER. COMMISSIONER HEGGLI SECONDED. THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF NINE (9) TO ZERO (0).

Commissioner Myers reported that the Planning Committee wants to add sections on invasive weeds to the Management Plan, as well as a chart describing roles and responsibilities. The chart would be included in the introduction to show how things are handled relative to managing the Preserve.

VICE CHAIR MILLER MOVED TO RECOMMEND THAT COUNCIL APPROVE ADDING TO THE PRESERVE MANAGEMENT PLAN A SECTION ON INVASIVE WEEDS, AND A FLOW CHART ON ROLES AND RESPONSIBILITIES. COMMISSIONER HUBBELL SECONDED.

Commissioner Heggli noted that the flow chart was accompanied by a second page that was submitted by Erik Filsinger to the Planning Committee as a way to stimulate discussion, but never discussed by the Commission. Commissioner Myers clarified that motion only applies to the chart, not the second page. In response to an inquiry from Mr. Murphy, Commissioner Myers further explained that the Planning Committee's goal was to pull together all the various management documents related to the Preserve and assemble them into one cohesive Management Plan. Mr. Murphy requested an opportunity for Staff to meet with the Chair of the Planning Committee to review all the documents they have inherited following the retirement of Bob Cafarella. Commissioner Myers also requested Commission feedback regarding possibly including the *Guidelines for Agreements with Volunteer Groups* as an official part of the Management Plan.

The Commission discussed Vice Chair Miller's proposal to address the invasive weeds recommendation separately. Commissioner Myers felt it would be better to send the entire plan to Council all at once, after Staff has had a chance to review. Commissioner Wheeler requested an amendment allowing Staff the opportunity to review all the Management Plan documents before they go to Council. Vice Chair Miller felt the series of proposals had confused the discussion, and suggested tabling the motion in favor of a new one.

THE COMMISSION TABLED THE MOTION.

VICE CHAIR MILLER MOVED TO ALLOW STAFF THE OPPORTUNITY TO REVIEW THE COMPONENTS OF THE MANAGEMENT PLAN WITH THE PLANNING COMMITTEE, AND THAT THE COMMISSION RECEIVE A REPORT ON THAT DISCUSSION AT THE NOVEMBER MEETING. COMMISSIONER WHITEHEAD SECONDED. THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF NINE (9) TO ZERO (0).

COMMISSIONER MYERS MOVED TO TAKE THE GUIDELINES FOR AGREEMENTS WITH VOLUNTEER GROUPS THAT WAS PREVIOUSLY DEVELOPED BY THE COMMISSION AND INCLUDE IT IN THE PACKAGE WITH THE MANAGEMENT PLAN FOR STAFF TO REVIEW. VICE CHAIR MILLER SECONDED.

Commissioner Heggli felt the Commission should not be voting on this issue since it was not on the agenda. Commissioner Myers responded that the agenda item allows discussion on the Management Plan. Commissioner Heggli noted that the Commission just voted on the

Management Plan. Chair DeCabooter clarified that the Commission took action to endorse a review of the total management plan by Staff and the Planning Committee. The *Guidelines* are part of that review.

COMMISSIONER MYERS WITHDREW HIS MOTION.

8. Promotion Committee Update

Commissioner Whitehead reported that the Promotion Committee embarked upon a campaign to increase public awareness of Scottsdale's Preserve and its amenities, and noted the key elements of that campaign.

Nearly every month since August of 2007, the City's water bill insert has included information on the Preserve and promotions for the Conservancy's steward-led hikes. Participation in these hikes has increased. In an effort to inform the public of the economic benefits of conservation open space, the Planning Committee has been working on a brochure. She presented a draft of the brochure, noting that the final version would contain a different map. The publication targets Scottsdale voters.

The Promotion Committee has proposed using photographs taken by users of the Preserve to convey the idea that the Preserve is there for people to enjoy and participate in, and encourage people to visit the locations where the pictures are taken. The Committee is also trying to attract more media coverage of events in the Preserve, to ensure that they are photographed to capture the history of the Preserve. Channel 11 has agreed to edit video footage of events into public information spots. To encourage more volunteers, work projects should be posted on the website.

Commissioner Wheeler suggested that one way to appeal to the mature residents of south Scottsdale would be to place a greater emphasis on the Preserve's history. She proposed arranging a bus tour from south Scottsdale. Commissioner Whitehead noted that the Preserve Connections program, conducted in partnership with the Conservancy, touches upon that, and those elements could be incorporated into the promotions campaign.

9. Desert Discovery Center Update

Commissioner Heggli said the Committee sent a funding proposal to Council for Phase Two of the DDC Study, recommending the use of CIP funds. Since then, Council Member Borowsky raised the question of using Preserve tax funds and wanted to know how the MSPC felt about it. Instead of waiting for the question to be raised at the Council meeting, which would delay the process, he proposed the Commission respond in advance. He said the Council Member wanted to be sure that all the options were considered before settling on the CIP request. If the Council has all the facts, they would not need to return to the Commission for more information.

Specifically, Council Member Borowsky's two questions were:

1. What is the MSPC 's decision on utilizing Preserve tax funds for Phase Two?

2. What is the MSPC recommendation on proceeding with Phase Two of the DDC, if the only funding source approved by the Council were to utilize Preserve Tax funds for the study?

Chair DeCabooter questioned the protocol of asking the Commission to respond to questions from individual Council Members. They have no authority or jurisdiction to mandate anything. The Commission is an advisory body to the entire Council. He felt responding to one Council member could start a firestorm.

Commissioner Wheeler said that when the voters approved both of the ballots, they said the money could only be used for buying land. Mr. Ekblaw clarified that the first Preserve Tax, in 1995, was specific to land acquisition within the recommended study boundary. The second approval, in 2004 for 0.15%, does expand upon the language, and is both for land acquisition and for improvements within the Preserve. The ultimate interpretation rests with City Council. It is the City Attorney's opinion that, subject to Council's approval, projects such as the DDC, the Gateway, and trailheads can qualify, as they are improvements within the Preserve boundary. There is an opportunity to use the Preserve funds from the second tax. The fund has \$6.8 million currently available. Council Member Borowsky raised two questions at the DDC Committee meeting, and it was determined that the questions would be of interest at the Council meeting.

Commissioner Myers said the option was included in the Council packet, and he felt the Commission should send a strong message before the Tuesday meeting. Preserve Tax dollars should not be taken away from buying land and building trails. The DDC can always be built later, but the land will not always be available to buy.

Commissioner Whitehead read an excerpt from the second ballot, noting that it would provide funds, "...to be used solely for the general purposes of acquiring land and interests in land, and constructing improvements thereto, for the McDowell Sonoran Preserve and paying related financing costs and fees in connection therewith." She said an argument could be made that the funds could be used for construction of the DDC, but not for the consultant's report that precedes it. Mr. Ekblaw responded that if that were the case, projects would never get designed. Much of Phase Two addresses design and the development of design.

Mr. Ekblaw said Council has a policy decision to make on Tuesday. The Commission can either decide to respond to the questions as a whole, or to provide input individually as citizens. The primary concern was that if the Council did not have the MSPC's formal position on the matter, they might continue the item, which could lead to the delay of the project. Council will be asked to consider whether to proceed with the study, and if so, how to fund it. No bed-tax dollars are currently available. About \$16,000 in private funding remains from Phase One. Chair DeCabooter said the MSPC could respond to it, because it was included in the Council packet, not because an individual Council Member requested it.

COMMISSIONER MYERS MOVED THAT THE MCDOWELL SONORAN PRESERVE COMMISSION DOES NOT WANT THE PRESERVE MONEY USED FOR ANY DESERT DISCOVERY CENTER RELATED ACTIVITIES, BUT ONLY FOR THE ACQUISITION OF LAND, AND THE BUILDING OF TRAILS AND TRAILHEADS. VICE CHAIR MILLER SECONDED.

Commissioner Hubbell inquired about the source of funding for the Lost Dog Wash Trailhead and the Gateway trailhead. Mr. Hamilton responded that a bond, the Preserve Tax, and a Heritage Fund grant funded Lost Dog, while the Gateway was funded through Preserve Tax, a Heritage Fund grant, and donations from the Conservancy.

Vice Chair Miller said the ballot language is normally accompanied by a complete description of the meaning of the ballot language, but he was unable to find a copy. At the time, there was much discussion about threatened land and access. Mr. Ekblaw said he would look into the more specific language, but added that he has not found language that specifies threatened land as a priority. The access issue shows up in the second tax with regards to funding improvements.

Commissioner Wheeler said land prices are currently at the lowest they will ever be. The Commission's purpose is to buy the Preserve. Every cent should go towards that purpose. Once that is complete, work can progress on the DDC. Commissioner Whitehead concurred.

Commissioner Heggli said the motion under consideration addresses the first question, but not the second. Commissioner Whitehead responded that the Commission is providing feedback on the information in the Council packet, not responding to an individual Council Member's questions. The motion was called for question.

THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF NINE (9) TO ZERO (0).

Vice Chair Miller proposed that the Chair prepare a letter explaining the Commission's recommendation in time for the Council meeting. Mr. Ekblaw noted that Chairs of both the MSPC and the TDC would be present to respond to Council's questions. In response to an inquiry from Commissioner Whitehead, Mr. Ekblaw said the TDC also recommended using CIP contingency funds, but they were open to use of the Preserve Tax as determined by the Council. They view the importance of moving the project forward so it can be considered for the upcoming bond. The DDC is important to the tourism industry, and they do not want to miss that opportunity.

10. Director's Report of Current Events (A.R.S. § 38-431.02(K))

Mr. Murphy noted that October is McDowell Sonoran Preserve Month. He reported that last Saturday's dedication of the Bajada Trail was very well attended. He thanked the Staff and Commissioners who contributed to the event, and noted in particular the work of Linda Raish and Barb Pringle in making arrangements.

Mr. Murphy announced that Scottsdale's Gateway was honored with the highest award at the Valley Forward Awards on September 12. The Gateway received a Crescordia Award for site development in landscape and trails. The Mayor and City Council Breakfast will be held at the Gateway on October 15. Staff has submitted a request to the U.S. Green Building Council for the Platinum LEED certification for the Gateway, which is the highest rating possible. The Arizona Mountaineering Club's Adopt-A-Crag event will be held on October 31. Signs will be installed on climbing access routes. They were paid for by a grant from the Access Fund, which is a national climbing advocacy group. The North McDowell Access Area design contract will be up for Council approval on October 6.

Mr. Murphy acknowledged that this would be Art DeCabooter's last meeting as Chair and he thanked him for his commitment to the MSPC and the City.

Mr. Ekblaw reported that the 400-acre State Trust land acquisition auction has been scheduled for December 15. He noted that the State Parks Board approved a matching grant fund for up to \$3.25 million. Scottsdale secured the highest rating of land in its first year of pursuing the grant. Council took the Commission's direction and gave Staff direction to proceed with the acquisition strategy for next year's grant. The application to the State Parks Board will be submitted in the spring or early summer of 2010, with an auction on the 2,000 acres to be scheduled in the fall.

Staff continues to attend ongoing meetings on State Trust reform. The effort is in its formative stages and is expected to be in the legislature late in 2009 or early 2010, targeting a November ballot. Staff also continues to have discussions with the State on trail maintenance in the northern lands. The MSPC will have an opportunity to discuss the issue in November or December. There may be another joint meeting with the Parks and Recreation Commission before the recommendation goes to Council. He said Staff is working with the City Attorney on drafting an agreement with the Conservancy.

Vice Chair Miller inquired about the timing of the State Park process. Mr. Ekblaw explained that State Parks handles the matching grant funds, but the process starts with the State Land Department. Staff will work with the Commission to ensure that next year's process starts earlier.

11. **Commissioners' Reports**

Vice Chair Miller distributed copies of the invasive weeds report update. Commissioner Heggli thanked Chair DeCabooter for the service he has provided to the Commission.

12. **Future Agenda Items**

Commissioner Wheeler agreed that the Commission should discuss the *Guidelines* document. Commissioner Joralmon requested an agenda item to discuss strategies on how to proceed without the Promotion and Planning Committees holding regular scheduled meetings.

Vice Chair Miller said Section 205 of the bylaws, regarding what constitutes a successful motion, should be reconsidered. It refers to Robert's Rules in one sentence, but contradicts it in the next. This contradiction could become an issue during close votes. He requested a discussion at the November meeting on the MSPC's role in the update of the Scottsdale General Plan. Mr. Ekblaw said the Planning Commission will call for volunteers from each board and commission to participate in the process of updating the General Plan for 2011.

Commissioner Whitehead requested an agenda item to talk with Volunteers for Outdoor Arizona regarding their invasive weeds removal team. Commissioner Myers proposed taking action to find a way to keep the subcommittee work going on developing a land acquisition strategy and a funding plan. Acquiring the entire Preserve will involve both. He suggested the bylaws item be agendaized in such a way that would allow other revisions to be addressed at the same time.

Vice Chair Miller said the Commission should review the use expenditures of the Preserve tax funds. Mr. Ekblaw said he would provide an update on the money that comes in and how it has been spent.

13. **Adjournment**

With no further business to discuss, the regular meeting adjourned at 6:24 p.m.

Respectfully submitted,
A/V Tronics, Inc. DBA AVTranz.

Meets established criteria.

A handwritten signature in blue ink that reads "William B. Murphy". The signature is written in a cursive style with a large, stylized 'W' and 'M'.

William B. Murphy
Parks and Recreation Director